UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd. and Penford Holdings Pty, Plaintiffs, Civil Action No. 04-1443-GMS v. Cargill Corporation and MGP Ingredients, Inc. Defendants. ----X

DECLARATION OF ANDREW A. LUNDGREN IN SUPPORT OF PLAINTIFFS' ANSWERING BRIEF ON CLAIM CONSTRUCTION

Josy W. Ingersoll (No. 1088) Karen E. Keller (No. 4489) Andrew A. Lundgren (No. 4429) YOUNG CONAWAY STARGATT & TAYLOR, LLP The Brandywine Building 1000 West Street, 17th Floor Wilmington, Delaware 19801 (302) 571-6672 jingersoll@ycst.com Attorneys for Plaintiffs National Starch and Penford

OF COUNSEL:

Richard L. DeLucia Paul M. Richter, Jr. KENYON & KENYON One Broadway New York, NY 10004 (212) 425-7200

Dated: October 7, 2005

063631.1001 DB01:1870964.1

I, Andrew A. Lundgren, declare as follows:

- 1. I am an attorney representing Plaintiffs National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd., and Penford Holdings Pty. I make this declaration in support of Plaintiffs' Reply Brief on Claim Construction.
- 2. Attached hereto as Exhibit A is a true and correct copy of Application No. 08/967,826 for U.S. Patent No. 6,409,840.
- 3. Attached hereto as Exhibit B is a true and correct copy of Application No. 08/815,763 for U.S. Patent No. 5,977,454.
- 4. Attached hereto as Exhibit C is a true and correct copy of Application No. 08/967,826 for U.S. Patent No. 5,714,600.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Josy W. Ingersoll (No. 1088)

Karen E. Keller (No. 4489)

Andrew A. Lundgren (No. 4429)

The Brandywine Building

1000 West Street, 17th Floor

Wilmington, Delaware 19801

(302) 571-6600

alundgren@ycst.com

Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

I, Andrew A. Lundgren, Esquire, hereby certify that on October 7, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

> Thomas Lee Halkowski, Esquire Fish & Richardson PC 919 North Market Street, Suite 1100 Wilmington, DE 19801

I further certify that on October 7, 2005, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following nonregistered participants in the manner indicated:

BY E-MAIL

Gregory Madera, Esquire Fish & Richardson P.C. 225 Franklin Street Boston, MA 02110

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Josy W. Ingersoll (No. 1088)

Karen E. Keller (No. 4489)

Andrew A. Lundgren (No. 4429)

The Brandywine Building

1000 West Street, 17th Floor

Wilmington, Delaware 19801

(302) 571-6600

alundgren@ycst.com

Attorneys for Plaintiffs